

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
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DATE FILED: 1-13-17

PEDRO MENA,

Petitioner,

-against-

**PHILLIP D. HEATH, Superintendent of Sing
Sing Correctional Facility,**

Respondent.

11-cv-03681 (ALC) (FM)

**ORDER ADOPTING
REPORT & RECOMMENDATION**

ANDREW L. CARTER, JR., United States District Judge:

Petitioner Pedro Mena, proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, dated May 12, 2011. ECF No. 2. Mena subsequently filed an amended petition, dated July 11, 2011, alleging nine grounds for relief that can be divided into five categories: (1) the verdict was against the weight of the evidence; (2) the trial court erred in denying his motion to suppress his pre-arrest statements to police officers; (3) the trial court erred by admitting his pre-arrest statements without balancing their probative value against their potential prejudicial effect; (4) his trial counsel was ineffective; and (5) his appellate counsel was ineffective. ECF No. 5 (“Amended Petition”).

On October 22, 2014, this matter was referred to United States Magistrate Judge Frank Maas for a Report & Recommendation. ECF No. 18. On May 31, 2016, Judge Maas issued a thorough Report and Recommendation (“R&R”) recommending that the Amended Petition be denied. ECF No. 19. The Court granted Mena two extensions of time to file his objections to the R&R, the last of which expired on August 12, 2016. ECF Nos. 21, 23. To date, more than five months later, Mena has not filed any objection to the R&R.

Because no timely objection was made, the Court “need only satisfy itself that there is no

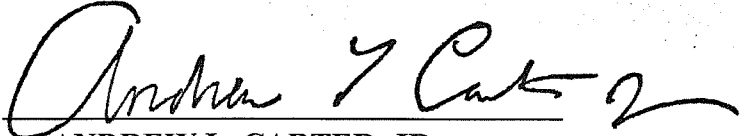
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clear error on the face of the record” to adopt the R&R. *Figueroa v. Riverbay Corp.*, No. 06-cv-5364 (PAC) (KNF), 2006 WL 3804581, at *1 (S.D.N.Y. Dec. 22, 2006) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)). The Court finds no clear error in the record and adopts the reasoned conclusions in Judge Maas’ R&R in their entirety.

For the reasons stated, Mena’s Amended Petition is DENIED.

SO ORDERED.

Dated: January 12, 2017
New York, New York



ANDREW L. CARTER, JR.
United States District Judge